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HOUSE BILL 190

**48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008**

INTRODUCED BY

Al Park

AN ACT

RELATING TO ELECTIONS; PROVIDING CANDIDATES WHO FAIL TO RECEIVE  
PREPRIMARY CONVENTION DESIGNATION AN ALTERNATIVE METHOD OF  
GAINING PRIMARY BALLOT ACCESS; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 1-8-33 NMSA 1978 (being Laws 1973,  
Chapter 228, Section 7, as amended) is amended to read:

"1-8-33. PRIMARY ELECTION LAW--NOMINATING PETITION--  
NUMBER OF SIGNATURES REQUIRED.--

A. As used in this section, "total vote" means the  
sum of all votes cast for all of the party's candidates for  
governor at the last preceding primary election at which the  
party's candidate for governor was nominated.

B. Candidates who seek preprimary convention  
designation shall file nominating petitions at the time of

underscored material = new  
[bracketed material] = delete

1 filing declarations of candidacy. Nominating petitions for  
2 those candidates shall be signed by a number of voters equal to  
3 at least two percent of the total vote of the candidate's party  
4 in the state or congressional district, or the following number  
5 of voters, whichever is greater: for statewide offices, two  
6 hundred thirty voters; and for congressional candidates,  
7 seventy-seven voters.

8 C. Nominating petitions for candidates for any  
9 other office to be voted on at the primary election for which  
10 nominating petitions are required shall be signed by a number  
11 of voters equal to at least three percent of the total vote of  
12 the candidate's party in the district or division, or the  
13 following number of voters, whichever is greater: for  
14 metropolitan court and magistrate courts, ten voters; for the  
15 public regulation commission, fifty voters; for the public  
16 education commission, twenty-five voters; for state  
17 representative, ten voters; for state senator, seventeen  
18 voters; and for district attorney and district judge, fifteen  
19 voters.

20 D. A candidate who fails to receive the preprimary  
21 convention designation that the candidate sought may collect  
22 additional signatures to total at least four percent of the  
23 total vote of the candidate's party in the state or  
24 congressional district, whichever applies to the office the  
25 candidate seeks, and file a new declaration of candidacy and

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1 nominating petitions for the office for which the candidate  
2 failed to receive a preprimary designation. The declaration of  
3 candidacy and nominating petitions shall be filed with the  
4 secretary of state either ten days following the date of the  
5 preprimary convention at which the candidate failed to receive  
6 the designation or on the date all declarations of candidacy  
7 and nominating petitions are due pursuant to the provisions of  
8 the Primary Election Law, whichever is later."

9 Section 2. EMERGENCY.--It is necessary for the public  
10 peace, health and safety that this act take effect immediately.

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